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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/541,558 | 03/14/2006 | Ulrich Rohs | ROHS ET AL.-21 (PCT) | 1986 |
| 25880 | 7590 | 11/07/2008 | | |
| COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576 | | | EXAMINER FENSTERMACHER, DAVID MORGAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3656 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,558

Applicant(s)

ROHS ET AL.

Examiner

David M. Fenstermacher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 7/6/05, 11/16/07

DETAILED ACTION

1. The preliminary amendment of 7/6/05 has been entered. This is the first action on the merits. Claims 1-32 are pending and rejected.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The IDS(s), filed 7/6/05, 11/16/07, has/have been considered in full.

Oath/Declaration

4. The Oath/Declaration is acceptable.

Drawings

5. The drawings were received on 3/14/06. These drawings are accepted.
6. The drawings are objected to because of the use of the German language. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an

amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because it is not in proper idiomatic English.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying

clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Throughout the claims the term "press-on" is used. This is indefinite since the parts are not being pressed onto anything.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Borello (4,183,253).

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Borello shows the claimed invention where two cones (2, 3) have a friction roller (1) therebetween; a first pressing force actuator (spring 9) and a second pressing force actuator (10) for adjusting the pressing force between the intermediate roller and the two cones; the second actuator being hydraulic and is regulated by the amount of hydraulic fluid is being supplied; the first pressing force actuator being unregulated since it is a spring and receives no control, each of the actuators behaving differently and therefore having different characteristic curves; hydraulic pumps are driven by electric motors (inherent) and electric motors all have voltage dependent outputs.

The operation is repeated below:

The hydraulic master cylinder 10 would be activated so that it would send hydraulic fluid through hose 20 to the two cylinders 7 and clutch 26 thus pushing the pistons 8, they would bear against the springs 9, the springs in turn would bear against the thrust bearing 19, which in turn would push the input cone 2 along the splined shaft 6, and simultaneously push the output cone 3 along its splined shaft 26 in the opposite direction, the motor 24 would then start running at its rated speed with direct engagement to clutch 26 to shaft 25. Sprocket 18, which is connected by a chain 22 to sprocket 17 that is fixed to the speed of the driven cone 3. The driven cone 3, which is connected to the splined shaft 25 which is also connected to the overriding part of the overriding clutch 16, directly connects the splined shaft 6 to splined shaft 25 thereby, placing the drive FIG. 1 in its lowest speed, connecting it directly to the load. Drive cones 2 and driven cones 3 are as FIG. 1 depicts, facing in opposite directions. Therefore, the transfer of rotational movement through the power transfer wheel 1, by which the speed is increased or decreased is achieved when the power transfer wheel 1 is moved from right to left along the hollow splined shaft 4, so that when the power transfer wheel 1 is at the extreme right of the drive FIG. 1 it is at the lowest output speed and as the power transfer wheel 1 is moved along the hollow splined shaft 4 the output speed is increased. The manner in which the power transfer wheel 1 is moved so that a speed change occurs, is as follows; after the motor 24 is turned on, the servo motor 14 turns sprocket 13 so that chain 12 is lengthened into the hollow splined shaft 4, spring 11 then moves the power transfer wheel in the direction of a higher speed. Spring 11 and chain 12 are linked to the power transfer wheel 1 by a holder bar 15, the holder bar 15 is connected to a pin 21 that runs through a slot in the splined hollow shaft 24 and is thereafter, connected to the axis splined housing-C- of the power transfer wheel 1. A spring 11 which is in constant tension, is connected to one end of the holder bar 15 which goes through a slot in the hollow splined shaft 4 and is connected to the axis splined housing-C-, pulls the power transfer wheel to a higher speed position. The spring 11 continues to pull the power transfer wheel until it is in its highest speed position. As the spring 11 draws the power transfer wheel to a higher speed, chain 12 maintains a constant tension. When it is necessary to lower the speed, the servo motor 14 turns sprocket 13, which in turn pulls chain 12, which is linked to the other side of the holder bar 15, and pulls the

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power transfer wheel, so that the drive is in its lowest speed position. When it is necessary to place the drive into neutral the master cylinder 10 releases the hydraulic pressure, so that drive cone 2, and driven cone 3 allow the cones to release their tension on the power transfer wheel 1 and to release clutch 26 from shaft 25, so that the direct drive is also in neutral. The servo motor 14 returns the power transfer wheel 1 to its low speed position and then stops running. When the power transfer wheel 1 returns to its lowest position and is locked into that position, immediately thereafter, motor 24 is turned off.

Conclusion

13. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Fenstermacher whose telephone number is 571-272-7102. The examiner can normally be reached on 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David M. Fenstermacher

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Primary Examiner
Art Unit 3656

/David M. Fenstermacher/
Primary Examiner, Art Unit 3656